

Constitution, and the laws and Constitution of the State of New York, and Correction Law.

2. This action arises from a series of events, beginning on or about August 25 2011 when Plaintiff was brutally attacked by certain of the named-Defendants at Otis Baitum Correctional Center ("O.B.C.C.") on Rikers Island, East Elmhurst New York (the "Incident" or "Assault").

3. At the time of the assault, Plaintiff was a Pre-trial detainee awaiting trial, and only nineteen years old.

4. To conceal the malicious assault, the assaulting Officers, defined infra, conspired with other named-Defendants to, amongst other things, lodge a disciplinary infraction ("Infraction") against Mr. Alii for a number of falsified offenses.

5. While a hearing was held (the "Hearing") in connection with the infraction, the hearing was riddled with due process deficiencies, which ran afoul of Mr. Alii's Constitutional rights, the Policies and directives of the New York City Department of Corrections (the "Department" or "DOC") and the laws of the State of New York.

6. As a consequence of these massive breaches, Mr. Alii was confined to disciplinary Segregation for 236 Days, during which time

Certain named Defendants Caused Plaintiff to endure heinous Confinement Conditions and exhibited deliberate indifference towards Mr. Ali's Serious medical needs.

7. As a result of these and other deprivations described herein, Mr. Ali suffered religious discrimination, Physical and Psychological Pain, discomfort and humiliation, including, but not limited to Permanent and non-permanent Physical injuries such as Head Trauma, Staples to head, Brain damage, Chronic Headaches, Memory loss, Abrasions, Ulcerations, and Contusions.

8. Mr. Ali Seeks monetary damages (Special, Compensatory, and Punitive) Against all defendants in their Official and individual Capacities.

9. Mr. Ali also Seeks to invoke U.S.C Title 18 Section 241 Against all defendants in their Official and individual Capacity.

10. Mr. Ali also seeks the Paying of a fine and the imprisonment of a sentence of no less than one year and no more than Ten(10) years. And Public disciplining and Sentencing of assaulting officers. And such other relief as the Court deems just and Proper.

JURISDICTION AND VENUE

11. Jurisdiction ~~is~~ Proper Under 28 U.S.C §§ 1331 because Plaintiff seeks to enforce rights secured by 42 U.S.C §§ 1983, 1988.

This Court also has jurisdiction over Plaintiff's State Law and Correctional law claims.

12. Venue is Proper in this Court Pursuant to 28 U.S.C §§ 1391(b) and (c)

DEMAND FOR JURY

13. Plaintiff hereby demands a trial of any and all issues pertaining to this matter.

THE PARTIES

14. Plaintiff Umar Ali is a United States Citizen. At all times alleged herein, Mr. Ali was a Pre-trial detainee in DOC Custody.

15. Defendants Officer Mundy, Officer McCabe, Officer Harris, Officer Fosse, Security Captain Thompson, Deputy Warden and John Doe ("Assaulting Officers") were, at all times referred to

In this Complaint, Uniformed Correction Officers employed by D.O.C. and assigned to C.B.L.C. The assaulting officers used a malicious amount of excessive force without good faith or penological interest. The assaulting officers were required to conduct their responsibilities in accordance with, departmental directives governing the use of force, Correction law regulations, fourth amendments interests, fourteenth amendment interests, and the minimum standards established by the New York City Board of Corrections ("B.O.C."). At all times referred to in this Complaint, Assaulting officers acted with malicious intent, deliberate indifference and within the scope of their Doc employment and under color of state law. These defendants are each sued in their individual and official capacities.

16. Defendant Deputy RAMOS, ("supervisory officer") at all times relevant hereto, acting in the capacity of an agent, servant and employee of D.O.C. and New York City within the scope of his employment and acting under color of state law Encouraged, Aided & Abetted and failed to intervene in subordinate's Assaulting Officers Use of excessive force. Defendant RAMOS

also aided and abetted in the Unwritten yet deeply embedded long-standing UnConstitutional Policy Practice and Law of Using excessive force against Detainees. Defendant Romos is being sued in his individual and Official Capacity.

17. At all times relevant hereto, Defendant Captain Medina (Adjudication Captain) acting in the capacity of an agent, servant and employee of D.O.C. is responsible in ensuring disciplinary hearings are held in accordance to DOC Directive 6500-RB and all detainees receive fair trial without Due Process violations. Yet defendant violated Mr. Alli's Due Process clause of the Fourteenth Amendment, Eighth Amendment, and minimum standards of D.O.C. Depriving life liberty and Property without Due Process of law. Defendant Medina acted with deliberate indifference disobeying the rules and directive governed by her position. Defendant Medina directly participated in the civil right and Due Process violation willingly knowingly and intentionally. Defendant Medina Act caused Mr. Alli an atypical and significant hardship and wrongful confinement of 236 days in disciplinary segregation. Resulting in

deprivation of Plaintiffs' Personal liberty and regular enjoyment of Prison life in general Population. Defendant Medina is being sued in her Official and individual Capacity.

18 At all times relevant hereto, Defendant WARDEN OF O.B.L.C. during the Prescribed times herein, was responsible for the failure to Cease the deeply imbedded long standing Policy of, Assaulting Officer, and Supervisory Officials and Other Uniformed Officers, Using excessive force on Detainees in Un-Camered Area of the facility. Defendant Warden of O.B.L.C. is also responsible for the care, custody and Control of Detainees Confined to O.B.L.C.

These responsibilities were and are required to be conducted in accordance with the legal mandates applicable to DOC facilities, including but not limited to directives governing the Use of force, inmate access to medical care, due Process and BOC Minimum Standards.

At all times referred to in this complaint, Defendant Warden of O.B.L.C. (John Doe) acted within the scope of their DOC employment and under color of State law. Defendant is sued in the individual and Official Capacity.

19. Defendants Dora Schriro and Lewis Finkelman were at all times relevant hereto, the Commissioner and First Deputy Commissioner of DOC. Respectively Defendants Schriro and Finkelman are legally responsible for the operation of all of the Department's facilities, including but not limited to the selection, supervision, promotion, training, and discipline of all uniformed and supervisory staff and for the care custody, and control of all inmates in DOC custody. These responsibilities were and are required to be conducted in accordance with the legal mandates applicable to DOC facilities, including but not limited to directives governing the use of force, inmate access to medical care, inmate grievance procedures, and due process and BOC minimum standards. Both Defendants were aware of the unwritten policy of the use of excessive force, Defendants were on notice and failed to discipline or remedy the actions. At all times referred to in this Complaint, Defendant Schriro and Finkelman acted within the scope of their DOC employment and under color of state law. These defendants are sued in their individual and official capacities.

20. Defendant Florence Finkle was at all times referred to in this complaint, Deputy Commissioner of Integrity and Policy for the DOC. In this role Defendant Finkle was responsible for ordering and supervising the investigation of all use of force incidents and for initiating recommendations for disciplinary action against Officers and Captains who engage in misconduct. These responsibilities were to be conducted in accordance with the legal mandates applicable to DOC facilities. At all times referred to in this complaint, Defendant Florence Finkle acted within the scope of her DOC employment and under color of state law. She is sued in her official and individual capacities.

21. Defendant Larry Davis, at all times relevant hereto, was the Chief of the Department and was responsible for the supervision, oversight, and discipline of Uniformed Security Staff, including the Supervisory Security Staff, in all department jails, including O.B.C.C. These responsibilities were to be conducted in accordance with the legal mandates applicable to DOC facilities.

At all times referred to in this complaint, Defendant Davis acted within the scope of his DOC employment and under color of state law. He is sued in his individual and official capacities.

22. Defendant Michael Hourihane was at all times referred to in this Complaint Deputy Chief Of Department. As Deputy Chief Defendant Hourihane was responsible for monitoring and addressing all Operational, Safety and Security matters in DOC facilities, including O.B.L.I. These responsibilities included maintaining statistics on violence and violent incident at VNE facilities and Creating Procedures to protect the personal safety of D.O.C. Staff and inmates confined in DOC Custody. At all times relevant hereto Defendant Hourihane acted within the scope of DOC Employment and under color of state law. Defendant Hourihane is being sued in his Official and individual capacities

23. Defendants Michael J. Began and Hilary J. Simmons were, at all times relevant hereto, Chair and Vice-Chair of the BOC, Respectively. Defendants Began and Simmons were responsible for establishing and ensuring compliance with BOC Minimum Standards regulating conditions of confinement and health care in all New York City ("NY") Correctional facilities. These defendants were required to actively investigate serious incidents, Evaluate DOC Performance, review inmate resources and make recommendations concerning the same. At all times relevant hereto

Defendants Began and Simmons acted within the scope of their DOL Employment and under color of state law. The Defendants are sued in both the individual and Official Capacity.

24. Defendants Cathy Potter and Richard T. Wolf, ESO were at all times relevant hereto, Executive Director and Deputy Executive Director of the BOC respectively. These full-time DOL Employees were responsible for ensuring that health care, safety & security, and uses of force within all facilities was maintained "at a level consistent with legal requirements, accepted Professional Standards and Sound Professional Judgment and Practice" Together, Defendants Potter and Wolf were responsible for monitoring the compliance of all DOC facilities with these minimum standards. At all time referred hereto Defendants Potter and Wolf acted within the scope of their DOL Employment and under color of state law. These Defendants are sued in their individual and Official Capacity.

25. Defendant Kenneth T. Armistead was, at all times relevant hereto Director of Field Operation and a full time employee of B.O.C.

In this role, Defendant Armstead supervised the daily activities of the daily field representative who are required to canvas DOC facilities daily for purpose of monitoring compliance with BOC Minimum standards. In this role, Defendant Armstead was required to conduct frequent and targeted inspections of DOC facilities to identify and resolve known problems, including but not limiting to unjustifiable uses of force and conditions of confinement in breach of BOC Minimum standards. At all times relevant hereto Defendant Armstead acted within the scope of his DOC employment and under color of state law Defendant Armstead is sued in his official and individual capacity.

26. Defendant City of New York ("City") is a municipal corporation, which, through the Department, operates a number of detention facilities, including the O.B.L.C. The City through its senior officials at the Central Office and in each facility, promulgates and implements policies including Policy with respect to use, reporting and investigation of force employed by uniformed staff, inmate grievance procedures, due process and inmate access to

Medical treatment and other services mandated by local law and court order. The City is also responsible for the appointment, training, monitoring, supervision, hiring and conduct of all DOC Personnel including the Defendants herein. The City is being sued in its official capacity.

27. At all times relevant hereto, John Doe 1 through 6 were field representatives, serving as BOC's "Eyes and Ears" into City Jobs. These six defendants were responsible for conducting site visits at all DOC facilities for the purpose of documenting and investigating Prisoner and Staff Complaints and violent and unusual incidents. At all times referred hereto in this complaint, John Doe 1 through 6 acted within the scope of their DOC employment and under color of state law. These Defendants are sued in their individual and official capacity.

28. Defendants Armstead, Davis, Finkleman, Hourihane, Potter, Regan, Schiro, Simmons, Wolf, and Ramos are herein collectively referred to as "Policy-Making Defendants".

29. Defendants Correctional Health Service, Prison Health Services employed by the City and working within the Department facilities, are at all times relevant hereto responsible

for the Providing and assuring adequate medical care and treatment. Defendants are also responsible to investigate any and all medical complaints fully and provide the needed treatment and follow-ups. Defendants are responsible for all conduct of medical Personnel including but not limited to Doctors and nurse's. Defendants Correctional Health Service and Prison Health Service is sued in Official Capacity.

30. Defendant John Doe "7" was present during the malicious assault within the O.B.C.C Mini-Clinic and aided and abetted in the covering up of said assault. Defendant John Doe "7" was a Medical Personnel, whom witnessed some of the malicious assault yet failed to intervene. Defendant is being sued in both the individual and Official Capacity.

31. Any and all individuals whom received letters from Mr. Aulis was put on notice of Mr. Aulis Claims yet failed to discipline, sanction, investigate, and or direct and abetted in the covering up of the Misconduct is being sued in both individual and Official Capacity.

NOTICE OF CLAIM

32. On or about September 5 2011, and within ninety days of the accrual of the claims stated herein, Plaintiff Umar Alli, served on the Comptroller of the City of New York a Notice of Claim setting forth the time, place and manner in which his claims arose. More than 30 days have elapsed since the Plaintiff's notice of claim was served upon Defendant City and the matter has not been settled or otherwise resolved.

FACTUAL ALLEGATIONS

33. The conduct engaged by the Defendants named herein was, at all times, subjectively and objectively unreasonable and in violation of Mr. Alli's clearly established rights.

34. On August 25 2011, Mr. Alli became yet another victim of a pattern of brutality against detainees in unmonitored locations of Departmental facility, the pattern of using excessive force and the pattern of brutality within the Mini Clinic of Punitive Segregation

facilities. (Ex. A, B, C, L & C.R.V.C). Senior Officials,
 Policy making officials/defendants, the City,
 and other high ranking DOC Officials are
 aware of and tolerate of Assaulting Officials
 and other insubordinate employees, whom
 are inconsistent with formal Policy. These Practices
 are so wide spreaded long standing and deeply
 embedded they constitute Unwritten Departmental
 Policy. These Practices are "deeply entrenched"
 in New York City Jails. See *Liu v. Steward-Bowden* 11-cv-4962 (PKC) (KNF) (challenging
 excessive and unnecessary force in the mini-clinic
 and confines of the Cell of Plaintiff in New York City
 Jail also the cover up tactics of false infractions
 and illegal disciplinary hearings.) *Nunez v. City of*
New York, No. 11-cv-5805 (ETS) (JCL) (S.D.N.Y. Aug 30, 2012)
 (the sixth and most recent class action Challenging
 the "Routine and institutionalized staff violence
 against inmates" in New York City Jails); *Inglis*
v. Toro, No. 01-cv-8274 (S.D.N.Y. 2006) (Requesting system-
 wide relief from excessive use of force in the City's
 Jails); *Sheppard v. Phoenix*, No. 91-cv-4148 (S.D.N.Y. July
 10, 1998) (Challenging excessive use of force in the City's
 Central Punitive Segregation Unit); *Jackson v. Montemagno*,
 No. 85-cv-2384 (E.D.N.Y. Nov. 26, 1991) (Challenging the same
 conduct in the Brooklyn House of Detention); *Reynolds v. Ward*,

No. 81-CV-101 (S.D.N.Y. 1990) (challenging excessive and unnecessary force in the Bellevue Prison Psychiatric Ward); Fisher v. Ward, No. 88-CV-0108 (S.D.N.Y. MARCH 26, 1990) (challenging the same conduct in Greer M. Taylor Center, a Rikers Island Jail). In addition to these class actions Senior DOC Supervisors and Uniformed Staff have been repeatedly sued by inmates alleging beatings by staff and DOC sanctioned Cover-ups. See e.g. Youngblood v. Baldwin, No. 08-CV-5982 (S.D.N.Y. July 22, 2009) (alleging a staff beating at GRVC resulting in skull lacerations and broken nose); Rice v. New York City Department of Corrections, No. 03-CV-582 (S.D.N.Y. Aug. 26, 2001) (alleging the beating of two inmates at GRVC resulting in collapsed lung and confusion hematomas, in one case, and neck and spinal cord injuries); Joseph v. New York City Department of Corrections, No. 02-CV-9219 (S.D.N.Y. MAY 28, 2003) (alleging beat-up at GRVC Resulting in orbital fracture); See also Reynolds v. City of New York, No. 11-CV-621 (S.D.N.Y. Nov. 21, 2011); Williams v. City of New York, No. 09-CV-5734 (S.D.N.Y. Aug. 12, 2010); Lee v. Perez, No. 09-CV-3134 (S.D.N.Y. March 12, 2010); Sherford v. City of New York, No. 09-CV-945 (S.D.N.Y. OCT. 22, 2009); Belvett v. City of New York, No. 09-CV-8090 (S.D.N.Y. Nov. 18, 2009); Mann v. City of New York, No. 08-CV-8854 (S.D.N.Y. March 22, 2011); Diaz v. City of New York, No. 08-CV-4391 (S.D.N.Y. March 24, 2009); Lopez v. City of New York, No. 08-CV-2931 (S.D.N.Y. Jan. 26, 2009)

Williams v. City of New York, No. 07-cv-11055 (S.D.N.Y. Sept 24, 2008) Cuadrado v. City of New York, No. 07-cv-11991 (S.D.N.Y. Dec 26, 2007); Scott v. City of New York, No. 07-cv-3091 (S.D.N.Y. Oct. 18, 2007)

35. At the time of the assault, Plaintiff was a Pre-trial detainee housed in the Punitive Segregation Unit of O.B.C.

36. All Punitive Segregation Units are governed by special directives which set forth the Procedure of any and all conduct including but not limited to, the transporting of an detainee, the opening of a detainee's cell, and the opening of any area a detainee is within. Before any and all Punitive Segregation inmate is moved, transported, or released from a closed and/or locked area (Shower, cell, Three point Search Area, visit) he must be fully Cuffed and Secured. This directive also includes rare exceptions to open an location without a inmate being fully secured in "proper restraints" (Hard Cuffs)

Pre-textual Entry into Mr. Ali's Shower Pin While in Punitive Segregation.

37. On or about August 25 2011 At approximately 11 AM Mr. All. was in the Shower Pin, Pin Number 8. Each Shower is Confined within a Steel Cage equipped with a "Cuffing Port" (A Slot Attached to the steel cage for the purpose of Cuffing and Uncuffing a inmate.)

38. At all times the shower cage must be locked and secured. No Inmate Can leave out of the Shower cage without being Placed in Proper restraints. This Process of being Properly Placed in restraints is done VIA the Cuffing Port. Once a inmate is Complete taking a Shower he informs the officers then said Officer comes and Cuffs said inmate through the Cuffing Port. Once the inmate is secured and Properly Cuffed then the officer use's his Key to open the shower Pin then transport said inmate back to his cell location. This Process is used for the transporting to and from the Shower Area/Shower Pin for any and all Punitive Segregation inmate. This Process is described further in the departments rules and directives.

39. Any failure to follow said directive is Mandated forms of discipline.

40. During date of malicious assault Mr. Alli whom is a practicing Muslim was fasting and otherwise in to the holy month of Ramadan.

41. As a Participant Of Ramadan Mr. Alli and all other muslims were allowed to store food in his cell used to break his fast, at night and or the morning.

42. While Mr. Alli was in the Shower Deputy Barnes, Security Captain Thompson, and Officer McCabe conducted a routine tour of the top tier of 1 South, which was the housing area Mr Alli was located within. A Routine tour is a tour of the housing area's Top and bottom tier and not a institutional search.

43. Solely with the intent to harass and disrupt Mr. Alli's religious Practices Deputy Barnes singled out Mr. Alli's cell and ordered for it to be open without any legitimate reason.

44. Mr. Alli cell was entered and an officer threw away his food used for fasting and drinking cup.

45. Mr. Alli, whom was still in the shower was informed by another inmate, whose cell was on the top tier directed across from Alli's cell, that the officers threw out his food.

46. As a result Mr. Alli shouted to Security Captain Thompson inquiring why was his food trashed when Captain Thompson stated to him Privvy that no food in a muslim inmates cell will be tampered with or thrown away.

47. Mr. Alli and Captain Thompson got into a verbal dispute in which caused Deputy Ramos to state "he thinks he's tuff bring him out here and fucke him UP... Muslim always acting gangsta..."

48. In response to Deputy Ramos Orders, officers McCabe came to Mr. Alli's Shower Pin and told Mr. Alli he has to get out of the shower. Mr. Alli informed him he just got in the shower, didn't bathe yet and will leave once completed.

49. Officer McCabe left from Mr. Alli's Shower Pin and went to converse with Officer Iesse, Deputy Ramos, Deputy Moore, Captain Thompson and others whom were present. After the completion, of said

brief conversation, Officer McCabe returned to the Shower Pin with the same request for Mr. Alli to go to his cell area. While McCabe talked to Mr. Alli, Officer Resse and Deputy Moore came within plain sight and spoke of cuffing Mr. Alli up and "slamming him on his head" (said conduct happens in Punitive Segregation often, a officer may act as if a inmate is not cooperating while being escorted to a location, then he is slammed brutally by the holding officer.)

50. Approximately the third time a officer came to Mr. Alli Shower Pin, was Officer Harris who did so at the command of Deputy Barnes. Officer Harris then opened Mr. Alli's Shower Pin without Mr. Alli being placed in restraints. There was no legitimate penological interest in Officer Harris opening Mr. Alli's Shower Pin. Said action was done in violation of DOC/O.B.L.L. Rules and directives.

51. Officer Harris opened Mr. Alli's cell with malicious intent to conspire in the leading brutal assault.

THE BRUTAL ATTACK WITHIN THE SHOWER PIN

52. While Mr. Alli's Shower Pin was open the assaulting officers formed preparing for the brutal & malicious assault

53. The brutal battery began almost immediately upon the opening of Mr. Alli's Shower cage. Defendant Harris entered first, followed by Defendants Deputy Moore, and Captain Thompson.

54. Defendant Harris delivered the first blow, a closed fist strike to Mr. Alli's facial area. Captain Thompson then followed up with the assault throwing closed fist, and Deputy Moore joined the assault repeatedly bashing Mr. Alli in the head with a metal walkie-talkie radio, which caused Mr. Alli's head to burst open. Said injury required staples to Mr. Alli's head.

55. At no time during said assault was Mr. Alli assaultive, or showed any conduct warranting said assault.

56. In attempt to reveal the malicious assault Mr. Alli managed to crawl out of the Shower Pin onto the main top tier Company.

THE Brutal Assault On The Top Tier

57. Directly in front of Shower pin 8
On the top tier Company/Compound the assault
resumed.

58. Defendants Resse, McCabe, Harris, Mundy,
Captain Thompson and Deputy Moore
(not excluding any other defendant that
can be placed at incident UTA Video Surveillance
System) Issued Mr. Alli on the top tier
Company

59. Once Mr. Alli was on the top tier he
voluntarily laid on the floor to show no signs
of resistance, he also placed his hand behind
his back in the non threatening Cuffing Position.

60. While on floor said defendants repeatedly
kicked, kneed, stomped and punched Mr. Alli.
Said assault can be reviewed in full
VIA Video Footage.

61. In addition to the conduct of
the malicious assault Defendants
degrading and life threatening comments
demonstrates the malicious, sadistic, and punitive
motivations behind the attack.

The statements make it clear that the assaulting officer were not acting in good-faith or in attempt to restore order but rather for the sole purpose of violating Mr. Alli's Constitutional rights

62. Mr. Alli continuously stated he wasn't refusing and begged for the assaulting officers to stop, but the beating continued.

Other inmates who were either in ear shot of Mr. Alli's screams for help and or had a direct view of the assault begged for officers to cease the violent attack.

63. After what felt like twenty minutes of being assaulted on the company Mr. Alli was then escorted to the Mini-Clinic of O.B.C.C.

The Attack Resumes In the Mini-Clinic

64. There are no cameras in OBCC Mini-Clinic, Nonetheless there's no cameras within any Punitive Segregation Mini-Clinic. Despite countless complaints to the Policy making Defendants and higher ups and or countless complaints against defendants stated herein and other uniformed Correctional Officials

that Officers frequently use this unmonitored space to physically and sexually assault inmates. No steps have been taken to correct this major loophole in prison security and inmate safety.

65. Mr. All was escorted to the Mini-Clinic Drenched in blood with excessively tight hand cuffs and shackles

66. When Mr. All entered the mini-clinic there was a "John Doe #1" Correctional Officer sitting at the desk whom heard seen and aided and abetted to conspire and or failed to report said malicious assault

67. In addition to John Doe #1 there was also another inmate whom was within the mini-clinic being treated by a male nurse / male doctor. Said nurse is stated herein as John Doe #2. Said John Doe #2 Defendant was rushed out of the mini-clinic along with the inmate whom was being treated, yet as said defendant was leaving he witnessed some of the malicious assault yet failed to intervene and or report said misconduct.

68. While within the Mini-Clinic Officers Mundy, Harris, Besse, Captain Thompson and Deputy Moore took turns brutally stamping, kicking, kneeling and Punching Mr. Alli. Officer Mundy continuously hit Mr. Alli with a metal garbage can with intense force.

69. Each Officer took turns assaulting Mr. Alli while the encourage each other in there life threatening acts.

70. Mr. Alli was handcuffed and shackled throughout the entire incident. After being maliciously assaulting for minutes on in, said Officers ceased said assault. Then Mr. Alli was seen by medical Personnel who requesting my Alli be sent to an outside hospital in light of his extreme injuries.

71. At Cast Cimburst hospital Mr Alli was treated for his multiple injuries including but not limited to head trauma with required staples. See Cast Cimburst Medical report for full list of details of injuries.

72 days after the assault and even months Mr. Allie was Denied Appropriate Medical Attention

Mr. Allie was DENIED
APPROPRIATE MEDICAL ATTENTION

73. The BOC's Minimum Health Care Standards ("MHCS") require that inmates receive Prompt Medical attention and explicitly Prohibit delay, denial and interference with an inmate's access to medical treatment.

74. Inmates in need of emergency services are to be granted access to such services Promptly. In addition, such services are to be Provided Competently and "at a level Consistent With legal requirements, accepted Professional standards and Sound Professional Judgment and Practice." Minimum standards § 3-01(A)

75. The care Mr. Allie received immediately after the incident and in the several weeks and or months that followed fell grossly below this standard

76. After the assault Mr. Allie was denied and or didn't receive adequate Pain medication for His extreme Pain and discomfort.

77. In addition, despite being in extreme Pain, the examining doctor, facility sick call nurse/doctor whom routinely tour Mr. Alli's housing area and or the doctor whom reviewed Mr. Alli's hospital reports failed to follow Prior recommendations, Prescribe Adequate medication and Schedule follow-up appointments.

78. Mr. Alli didn't receive any wound Care and or as requested further investigation into the Claimed injuries due to the head trauma.

79. Had Mr. Alli received a Proper exam, treatment and follow-up care, as required Under MHCS the Permanent injuries he Sustained would surely have been Minimized Or treated before they worsened.

Defendants Demonstrated Deliberate
Indifference To Mr Alli's Need
For Medical Care.

80. In the months following the assault, Mr. Alli was denied access to necessary medical treatment causing him to Suffer Permanent Physical injury Proximately related to the attack.

81. During his disciplinary Segregation Mr. Alli made daily request to be seen by Sick-Call Personnel, all of which were ignored.

82. For instance, Mr. Alli made daily request for medical Care to Prison Health Services/ Correctional Health Services, as well as Officers Captains and deputy's during their frequent tours of Mr. Alli's housing area.

83. Said defendants were responsible for the discipline, supervision monitoring and training and or providing or directing medical treatment be provided. But failed to order or otherwise facilitate Mr. Alli's access to medical treatment.

84. Upon information and belief, Defendants John Does 1 through 6 Canvassed O.B.C.C during said time period but failed to document report investigate remedy or otherwise facilitate or intervene in Protection of Mr Alli's Constitutional rights

85. The Joint and Conspiratorial action of defendants stated herein constituted deliberate indifference to a substantial risk posed to Mr. Alli's health and safety and fell short of DOC and BOC directives, Policies and Standards.

86. Mr. Alii also submitted medical complaints to the Policy-making Defendants some of which were not answered and/or remedied.

87. In attempt to cover-up the unwarranted and malicious assault defendants instructed Plaintiff for disciplinary offenses.

THE Infraction And Corresponding Cover - UP Disciplinary Hearing Violations

87. The infraction was the first of a series of events intended to cover-up the initial wrongful act, namely the malicious assault on Mr. Alii.

88. The infraction, as required under DOC Policy, triggered an investigation. This investigation was however, laced with inefficiencies, bias and due process violations.

89. Adjudication Captain Medina violated Plaintiff's fifth, eighth and fourteenth amendment of the Constitution, as well as DOC's / BOC's minimum standard, due process, correction law, and the rules/laws of D.O.C/B.O.C including but not limited to directive 6500 B.B.

90. Defendant Medina acted with deliberate indifference violating all rights and laws stated herein by not following the rules Policies and directives her Position is governed by.

a). Defendant Medina willingly, knowingly and intentionally violated due Process rights and DOC/BOC Directives By; Denying witness, concealing outside information, allowing inconsistent statements without question. Defendant Medina declined to question assaulting officers regarding inconsistencies and omissions in their reports, including the attack in the Mini-Clinic.

92. Instead, despite Mr. All's assertion that he had been further assaulted in the Mini-clinic following the Prior assault within the Shower and on the tier.

93. Prior to the hearing, Adjudication Captain Medina failed to review the intrusion for due Process violations and failed to investigate and report Mr. All's allegations of excessive force. In fact, when Mr. All informed Defendant Medina of the assault in the Mini-clinic, the latter responded that it did not concern her. She discounted those allegation because the Mini-Clinic assault was not mentioned

in assaulting officers reports.

94. Defendant Medina similarly failed to review and/or facilitate the Preservation of Video evidence capturing the assault, and denied and or delayed causing prejudice to obtaining witness and the opportunity to call and examine witnesses during the hearing, even though these witnesses would have offered material non-duplicative evidence.

95. In addition John Doe 9 the investigating Captain of the incidents failed to carry out the mandates as prescribed by DOC/BOC Policy Law and Directives. Said defendant aided and abetted in the covering up of the malicious assault. The infraction, as required under DOC Policy triggered an investigation this investigation was, however, laced with inefficiencies, bias and violated due process. John Doe 9 failed to conduct an investigation within 24 hours of incident as mandated, failed to investigate Mr. All's position of the incident before the disciplinary hearing, failed to obtain statements from material witness.

96. As a result of Adjudication Captain Medina and John Doe 9 conduct as well as the assaulting officer whom forged the infraction Mr. All.

received a disposition of guilt to the charges within the interaction for the sentencing of about 236 Days in punitive Segregation.

97. This confinement is wrongful and could have been avoided if Adjudication Captain Medina followed the rules, rules Policies, and directives of the Department of Correction and United States Constitution.

98. This wrongful confinement could have been avoided if all defendants herein would have been properly supervised, trained and or disciplined by the City and Policy Making defendants.

99. All higher ups, the City and Most of the Policy Making Officials knew or or should've knew of Adjudication Captain Medina extensive history of violating inmates rights during disciplinary hearings. Said defendants knew of Medina being insubordinate yet failed to re-train or remove her from conducting disciplinary hearings.

LOST OF LIBERTY DURNING PUNITIVE SEGREGATION SANCTION

100. Plaintiff Umar Ali a Pre-trial detainee had a liberty interest to avoid punitive segregations and deprivations of normal Prison life.

101. During stated wrongful confinement Mr. Alli was subjected to the continuous of ordinary prison life deprivation. These changes resulted into loss of liberty, loss of amenity and mental/emotional distress.

102. Plaintiff was confined for 23 hours a day in a very small square cell equipped with a toilet directly next to the cell door window. Most inmates and officer could see inside Plaintiff's cell when he was using the toilet.

103. Plaintiff was deprived of most of his personal property for example, supportive footwear, books, magazines, personal clothing, time piece, cosmetics, stamps, envelopes, personal pictures, religious items and canteen/commensary. As well as the ability to work, attend educational and vocational programs, watch television, associate with other detainees attend outdoor or indoor recreation in a congregational setting with the ability to engage in sports and other congregate recreational activities.

104. Plaintiff was deprived the ability to attend meals with other detainees, and forced to eat food that was often

Cold and well under mandated Portions.

106. During Court appearances Plaintiff was hand cuffed and shackled for the minimal of eight hours, and forced to appear in front of the Judge in Punitive Segregation clothing and restraint in hand cuffs and shackles.

106. Plaintiff was often denied the ability to shower, yet only one shower was given a day in a shower cage that individuals whom passed could see in. No shower curtains was permitted for Punitive Segregation.

107. Mr. Ali was effected in the adequate research in the issues revolving his Criminal Case due to the limited law library access. Plaintiff was not permitted to go to law library yet forced to submit his request on a Paper which often went unanswered.

108. Plaintiff was also subjected to one six (6) minute phone call a day, in which some day he wasn't able to contact his family friends and or loved ones.

109. The above stated constituted atypical and significant hardship, loss of liberty and deprivation of ordinary prison life.

Defendants Conduct Egregiously
Violated DOC And BOC Policies & Directives

A. Use of force Directive

110. The Department has implemented Use of force Directive No 5006R. Under this directive, force is to be used only after all reasonable efforts to resolve a situation has failed.

111. Correctional officers and DOC Staff are Permitted to use force commensurate to the level of threat posed by the inmate at that time. This directive mandates that "blows should not be struck if control holds, grasping or other less harmful methods" would be adequate to restrain the inmate."

112. Assaulting officers took no means in following this directive and used conduct of force to Punish or harm Mr. Ali.

B. Health Care Minimum Standards

113. The BOC has established Minimum Standards Pertaining to Inmate Access to Medical Care.

114. Medical Care within DOC facilities is to be maintained "at a level consistent with legal requirements, accepted Professional

accepted Professional Standards and Sound Professional Judgment and Practice”

115. These standards contemplate (i) the Provision of Prompt Medical treatment and follow-up care as well as emergency services; (ii) the regular training and development of health care personnel and Correctional Staff as appropriate to their role in the health care delivery system; and (iii) an ongoing review and assessment of the quality of care provided to detainees.

116. In addition, these standards expressly Prohibit DOC Staff, Officers and Personnel from delaying, denying or otherwise interfering with an inmate's access to Medical Attention.

117. DOC Officers with Knowledge of an inmate's need for medical care are to report such need Promptly.

118. To the extent appropriate treatment for an inmate's injuries are not available within the correctional facility, these standards mandate that specialty services be provided to inmate in the time frames specified by referring medical Personnel. In addition all decisions regarding medical attention are to be made by health care Personnel only and Sick calls are to be available to inmates everyday within 24 hours of a request for care

C. Due Process Directive

119. The Department has implemented Inmate Disciplinary Due Process Directive No. 6500B-B

120. This directive requires that DOC enforce its rules and regulations "fairly and in accordance with due Process requirements", and sets forth the Process for investigating disciplinary Misconduct in DOC facilities. The investigation Process begins with a report and notice of infraction ("RNI") to be Prepared whenever "an employee reasonably believes an inmate violated an institutional or Departmental Rule." The RNI is to be "legible, detailed, and specific regarding time and place of the Rule violation(s) and shall include the description of the inmates actions and behavior." The investigation is to be conducted by a supervising officer who neither participated in or witnessed the subject-incident and is to commence within 24 hours of the incident.

121. Directive No. 6500B-B instructs that an infraction be dismissed for due Process violations, including but not limited to, failure to commence the investigation within 24 hours, as well as the inclusion of contradictory, incorrect and/or inconsistent allegations.

122. This directive requires that Use of Force allegations by the infracted inmate be reported and that all relevant evidence be reviewed by the adjudication Captain who is then instructed to make a determination as to "why and where injuries were inflicted on the inmate,

123. This directive further requires that any allegation by the infracted inmate or "Abuse of authority, Malfeasance or Corruption on the Part of (DoC) Personnel" can be reported in writing directly to the Inspector General's office

124. Significantly, this directive states in no uncertain terms that witnesses requested by the infracted inmate "should be called" in accordance with relevant Procedures unless Unavailable.

125 After a complete reviewing of the Directive 6500 R-B and disciplinary hearing transcript it is undisputed that Plaintiff rights were violated in accordance to stated directive and federal clause of Due Process.

EXHAUSTION OF ADMINISTRATIVE REMEDIES